CONNECTICUT

LAW

JOURNAL



Published in Accordance with General Statutes Section 51-216a

VOL. LXXIX No. 15 October 10, 2017 239 Pages

Table of Contents

CONNECTICUT REPORTS

Bueno v. Commissioner of Correction (Order), 327 C 907. Gordon v. Gordon (Order), 327 C 904 Haughey v. Commissioner of Correction (Order), 327 C 906 JPMorgan Chase Bank, National Assn. v. Davis (Order), 327 C 908 MYM Realty, LLC v. Doe (Order), 327 C 908. Pires v. Commissioner of Correction (Order), 327 C 907 Ramos v. Commissioner of Correction (Order), 327 C 904 Sousa v. Sousa (Order), 327 C 906 State v. Andino (Order), 327 C 906 State v. Holley (Order), 327 C 907 State v. Jones (Order), 327 C 905 State v. Pelella, 327 C 1 Threatening second degree; appeal by state on granting of permission; first amendment to United States constitution; whether trial court improperty granted motion to dismiss charges; claim that trial court incorrectly determined that law required alleged threat to be imminent for it to constitute true threat; whether trial court improperty viewed evidence before it in light most favorable to defendant in ruling on motion to dismiss; whether issue of whether statement constituted true threat was for jury to decide. State v. Toro (Order), 327 C 905	31 28 30 32 32 31 28 30 30 31 29 3
Thorpe v. Commissioner of Correction (Order), 327 C 905	29
Volume 327 Cumulative Table of Cases	33
CONNECTICUT APPELLATE REPORTS	
Byrd v. Commissioner of Correction, 177 CA 71	73A
constitutes cognizable liberty interest sufficient to invoke habeas jurisdiction. Eder's Appeal from Probate, 177 CA 163. Probate appeal; remainder beneficiaries of irrevocable trust; claim that trial court improperly concluded that settlor's intent in adopting two adult children was not relevant to determination of whether adoptions were sham; claim that trial court erred in holding purpose of trust was not contravened by settlor's adoption of two adult children; whether adults adopted by settlor could be considered natural objects of settlor's bounty; whether adopted children were allowed to take under trust; whether intent of trust is determined from language of trust.	165A
Diehl v. Powell (Memorandum Decision), 177 CA 902	188A 146A
whether trial court abused discretion in rejecting special defense of unclean hands;	

whether trial court properly found that representations were not false; claim that originator of loan had concealed motivation for modification agreement and that defendants were pressured into signing modification agreement; claim that trial court abused discretion by granting motion for equitable relief; whether trial court improperly ordered defendants to reimburse plaintiff for property taxes paid during pending appeal.	
McFarline v. Mickens, 177 CA 83	85A
Negligence; summary judgment; claim that issues of material fact existed as to whether plaintiff's injury from trip and fall on public sidewalk was caused by negligence of abutting property owner due to defective sidewalk with grass growing wildly through crack; whether abutting landowner owed duty to maintain public sidewalk in reasonably safe condition; whether positive act exception to general rule absolving landowners of liability for defective sidewalks applied; claim that trial court erroneously considered facts outside of record and thereby violated plaintiff's right to due process of law; claim that trial court abused discretion by denying motions to reargue and to amend complaint.	0971
Pellet v. Keller Williams Realty Corp., 177 CA 42	44A
Contracts; whether trial court improperly directed verdict in favor of defendants on ground that all counts of complaint were based on breaches of professional standards of care and plaintiff failed to present expert testimony as to applicable standard of care; whether all counts of complaint summarily could be characterized as one general claim of professional negligence; whether court improperly concluded that plaintiff's failure to tender expert witness resulted in lack of evidence on professional standards of care; whether jury had before it testimony from which it could have inferred that standards of care were breached by defendants; whether court improperly granted motions for special finding, pursuant to statute (§ 52-226a), that action was brought without merit and in bad faith. Propel Financial 1, LLC v. Ortiz (Memorandum Decision), 177 CA 901 Professional 1, LLC v. Ortiz (Memorandum Decision), 177 CA 901 Dissolution of marriage; postjudgment motions for modification of alimony and contempt; whether trial court erred in concluding that parties' oral agreement was enforceable, binding agreement; claim that trial court improperly modified oral agreement when reducing terms to written decision; whether trial court improperly failed to canvass plaintiff pursuant to statute (§ 46b-66); whether trial	187A 187A 105A
court improperly granted motion for contempt; whether plaintiff wilfully violated court order.	
Seaport Capital Partners, LLC v. Speer, 177 CA 1	3A
	,

(continued on next page)

CONNECTICUT LAW JOURNAL

(ISSN 87500973)

Published by the State of Connecticut in accordance with the provisions of General Statutes \S 51-216a.

Commission on Official Legal Publications Office of Production and Distribution 111 Phoenix Avenue, Enfield, Connecticut 06082-4453 Tel. (860) 741-3027, FAX (860) 745-2178 www.jud.ct.gov

Richard J. Hemenway, $Publications\ Director$

 $Published\ Weekly-Available\ at\ \underline{\text{http://www.jud.ct.gov/lawjournal}}$

Syllabuses and Indices of court opinions by Eric M. Levine, Reporter of Judicial Decisions Tel. (860) 757-2250

The deadline for material to be published in the Connecticut Law Journal is Wednesday at noon for publication on the Tuesday six days later. When a holiday falls within the six day period, the deadline will be noon on Tuesday.

th designing motions to reargue, whether financing of fact by that court were clearly	
erroneous; whether doctrine of judicial estoppel applied to bar claim for order of payment.	
Seaport Capital Partners, LLC v. Spear (See Seaport Capital Partners, LLC v. Speer), 177 CA 1	3A
Seaport Capital Partners, LLC v. 76–78 Truman Street, LLC (See Seaport Capital Partners,	011
LLC v. Speer), 177 CA 1	3A
	187A
	131A
Writ of error; whether trial court improperly ordered forfeiture of seized property	
pursuant to statute (§ 54-36a [c]); claim that § 54-36a (c) applied only to seized	
contraband and certain cash linked to illegal drug transactions, and not to fire-	
arms; whether trial court's determination that requisite nexus existed between	
seized firearms and narcotics business of defendant in underlying criminal matter	
was supported by record; claim that trial court should have conducted in rem	
forfeiture proceedings pursuant to statute ([Rev. to 2013] § 54-33g) in order to effectuate forfeiture of seized firearms; claim that trial court improperly entered	
forfeiture order without providing plaintiff in error with notice and opportunity	
to be heard, in violation of in rem forfeiture procedures set forth in \S 54-33 q ;	
whether § 54-36a (c) requires court or state to provide formal notice to any individ-	
ual that may have interest in seized property that is to be forfeited; failure of	
plaintiff in error to file timely motion for return of seized property during pendency	
of criminal action pursuant to applicable rule of practice (§ 41-13).	
State v. Taylor, 177 CA 18	20A
Murder; robbery in first degree; conspiracy to commit robbery in first degree; hinder-	
ing prosecution; tampering with physical evidence; claim that evidence was insuf-	
ficient to support conviction of murder, robbery in first degree and conspiracy	
to commit robbery in first degree; claim that, because there was no evidence that	
robbery had occurred, there was no proof of robbery or conspiracy to commit	
robbery or of murder under doctrine of Pinkerton v. United States (328 U.S. 640);	
whether trial court abused discretion by granting motion to disqualify defendant's	
first court-appointed counsel; whether defendant, who was indigent, had right to	
select appointed counsel; whether it was permissible for court to change appointed	
counsel when potential conflict of interest existed; whether defendant was preju-	
diced by disqualification of appointed counsel.	1001
Volume 177 Cumulative Table of Cases	183A
SUPREME COURT PENDING CASES	
Summaries	1B
MISCELLANEOUS	
Small Claims Decentralization	1C